

PHILLIP A. TALBERT
United States Attorney
HENRY Z. CARBAJAL III
JEFFREY A. SPIVAK
Assistant United States Attorneys
2500 Tulare Street, Suite 4401
Fresno, CA 93721
Telephone: (559) 497-4000
Facsimile: (559) 497-4099

Attorneys for the
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

TERRANCE JOHN COX,

Defendant.

CASE NO. 1:22-cr-00214-NODJ-BAM

STIPULATION TO RESET CHANGE
OF PLEA HEARING; FINDINGS AND
ORDER

Date: August 26, 2024
Time: 9:00 a.m.
Judge: TBD
Courtroom No. 5

STIPULATION

The United States of America, by and through its counsel of record, and defendant, by and through his counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for change of plea on July 29, 2024 at 9:30 a.m.

2. By this stipulation, the parties now move to continue and reset the matter for change of plea before the Court for **August 26, 2024, at 9:00 a.m.**, and to exclude time between the date of this stipulation and August 26, 2024 under 3161(h)(7)(A), (B)(ii), B(iv) [Local Codes T2 and T4].

3. The parties agree and stipulate, and request that the Court find the following:

a. The Court set a deadline for July 22, 2024 to submit final plea documents. However,

1 defense recently returned to the office from travel and will be out for a medical procedure on the day
2 the plea documents are due. The parties would thus need a short amount of additional time to
3 finalize plea documents for the Court's consideration. As defense is not available on August 12,
4 2024 to attend a docket in Sacramento, the earliest convenient date for a reset change of plea hearing
5 is August 26, 2024. Thus, the parties request that the current change of plea hearing be continued
6 and reset to August 26, 2024, at 9:30 a.m.

7 b. By previous Court order, time was excluded under the Speedy Trial Act, 18 U.S.C. §
8 3161, et seq., through and including July 29, 2024. The parties also request that time be excluded
9 under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., from the date of this stipulation through and
10 including August 26, 2024, to allow defendant to continue to consult with counsel, and to prepare for
11 and attend a change of plea hearing, and for the Court's consideration of forthcoming plea
12 documents.
13

14 c. Counsel for defendant believes that failure to grant the above-requested
15 continuance/time exclusion would deny them the reasonable time necessary for effective
16 preparation, taking into account the exercise of due diligence.
17

18 d. The government does not object to, agrees to, and jointly requests the
19 continuance/time exclusion.

20 e. Based on the above-stated findings, the ends of justice served by continuing the case
21 as requested outweigh the interest of the public and the defendant in a trial within the original date
22 prescribed by the Speedy Trial Act.
23

24 f. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et
25 seq., within which trial must commence, the time period of the date of this stipulation to August 26,
26 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and 3161(h)(7)(B)(i)
27 and (iv) [Local Codes T2 and T4] because it results from a continuance granted by the Court at
28

1 defendant's request on the basis of the Court's finding that the ends of justice served by taking such
2 action outweigh the best interest of the public and the defendant in a speedy trial.

3 4. Nothing in this stipulation and order shall preclude a finding that other provisions of
4 the Speedy Trial Act dictate that additional time periods are excludable from the period
5 within which a trial must commence.

6 IT IS SO STIPULATED.

7 DATED: July 22, 2024

By: /s/Mark W. Coleman

8 MARK W. COLEMAN

9 Attorney for Defendant

TERRANCE JOHN COX

10
11 DATED: July 22, 2024

/s/ Henry Z. Carbajal III

12 HENRY Z. CARBAJAL III

13 Assistant United States Attorney

14
15 **ORDER**

16 IT IS SO ORDERED that the change of plea hearing is continued from July 29, 2024, to
17 **August 26, 2024, at 8:30 a.m. in Courtroom 5 before the District Court Judge.** Time is excluded
18 pursuant to 18 U.S.C. § 3161(h)(7)(A) and 3161(h)(7)(B)(i) and (iv).
19

20
21 IT IS SO ORDERED.

22 Dated: **July 22, 2024**

/s/ *Barbara A. McAuliffe*

23 UNITED STATES MAGISTRATE JUDGE
24
25
26
27
28